

REMARKS

A proposed amendment to the drawings, particularly Figures 3 indicating a hinge 22 molded into the handle 20 with the changes indicated in red ink is submitted herewith for approval by the Examiner.

In addition, a specification and claims have been amended to define the handle as a "hinged handle". This amendment to the drawings, specification and claims is supported by the original drawings which illustrate in Figures 2 and 3 the structure of the hinged handle and its function in enabling closure of the pads 12, 14 to a parallel plane relationship.

With regard to the Examiner's objection to the drawings, claims 15-23, including a web, have been cancelled.

In addition, claims 1, 4-5, 7-8 and 13-14 have been amended to overcome the Examiner's objection thereto.

Claims 1-23 have been rejected by the Examiner under 35 USC 112, second paragraph as being indefinite through the use of the term "coplanar". In response thereto, the Applicants have amended the claims as well as the specification to more clearly define the relationship between the pads as shown in Figures 1 and 2 as a "parallel plane" relationship. This change to the specification and claims is supported by the drawings originally submitted.

Claims 1-6 and 8-17 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by U.S. 3,323,151 to Lerman. Claims 15-17 have been cancelled and the Applicants respond and traverse the Examiner's rejection on the basis of the amended claims.

Specifically, the claims as amended include a hinged handle and spaced apart arms interconnecting the pads and the hinged handle.

The Applicants submit that anticipation is established only when a single prior art referenced discloses, expressly or under principles of inherency, each and every element of the claimed invention. *RCA Corp. v. Applied Digital Data Systems, Inc.* 221 USPQ 385 (Fed. Cir. 1994).

Further, the Applicants submit that anticipation must meet strict standards, and unless all of the same elements are found in exactly the same situation and united in the same way to form identical function in a single prior art reference, there is no anticipation. *Tights, Inc. v. Acme-McCary Corp. et al.* 191 USPQ 305 (CAFC 1976).

Bearing in mind this criteria, the Applicants submit that the Lerman reference includes no teaching or suggestion of a hinged handle with spaced apart arms interconnecting the pads and the hinged handle. It should be clear from an examination of Lerman that the handgrips 21, 22 are formed in the seat pads themselves via openings 17, 18. Accordingly, there are no spaced apart arms interconnecting the handgrips 21, 22 and the pads 8, 9. As more clearly defined by claim 8 of the present application,

the seat cushion includes a single hinged handle. Accordingly, it should also be apparent that the handgrips 21, 22 as taught by Lerman do not constitute a single hinged handle. Therefore, the Applicants respectfully submit that the Lerman reference does not anticipate claims 1, 4-5, 7-8 and 13-14. Withdrawal of the rejection of this claims under 35 USC 102(b) on the basis of Lerman should be withdrawn.

Claims 7, 18-21 and 23 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Lerman in view of U.S. 5,611,098 to Skibik. Claims 18-21 and 23 have been cancelled.

As for claim 7, the Examiner states that Lerman fails to disclose or suggest a means for releasably holding the pads in the "coplanar relationship" and reaches to Skibik for a teaching of a means for releasably holding the pads. The Applicants submit that Skibik does not provide any further teaching of a hinged handle with interconnecting spaced apart arms and therefore the combination does not provide a prima facie case of obviousness for the rejection of claim 7 under 35 USC 103(a). Withdrawal of this rejection is respectfully requested.

Claim 22 rejected under 35 USC 103(a) has been cancelled.

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of

record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectively requested.

Respectfully submitted,



Walter A. Hackler, Reg. No. 27,792

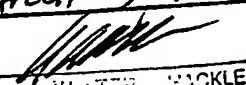
Attorney of Record

2372 S.E. Bristol, Suite B

Newport Beach, California 92660

(949) 851-5010

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE
AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED
TO: COMMISSIONER OF PATENTS AND TRADEMARKS,
WASHINGTON, D.C. 20231, ON

MARCH 5 2003
3/5/03
(DATE SIGNED) 
WALTER A. HACKLER
REG. NO. 27,792